

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RALPH FRANCIS GARDUNO,

Petitioner,

-VS-

BENNIE KELLY,

Respondent.

Case No. 5:14CV2266

JUDGE CHRISTOPHER A. BOYKO

ORDER

On October 10, 2014, Petitioner filed a *pro se* Petition for Writ of *Habeas Corpus* pursuant to 28 U.S.C. § 2254 (Dkt. #1). The case was referred to Magistrate Judge Baughman pursuant to Local Rule 72.2. On February 26, 2016, the Magistrate Judge recommended that Petitioner's application for habeas corpus be dismissed (Dkt. # 16).

FED. R. CIV.P. 72(b) provides that objections to a Report and Recommendation must be filed within fourteen days after service, but Petitioner has failed to timely file any such objections. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985);

Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991);
United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Therefore, Magistrate Judge Baughman's Report and Recommendation is
ADOPTED and Petitioner's Writ of *Habeas Corpus* (Dkt.#1) is **DISMISSED**.

Furthermore, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Dated: 3/21/2016

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE